

With this as background, we analyze the specific rejections under 35 U.S.C. § 112, second paragraph, made by the examiner of the claims on appeal. The examiner urges that the phrases "effective amount," and "to control a duration of therapeutic activity of the administered combination," in claims 1 and 17 are indefinite.

Appellants respond to this rejection arguing that the specification provides specific examples of dosage quantities and durations. It is appellants' position, that when claims 1 and 17 are read by one of ordinary skill in the art in view of the specification and examples, that the term "effective amount" as used in the claims complies with 35 U.S.C. § 112, second paragraph. Brief, page 7. We agree.

The examiner also argues the terms, "the duration" in claim 8, and "short term enhancement", in claim 10, are indefinite.

Appellants argue that the specification, page 5, provides that a short duration be measured in hours or days and that an intermediate duration be measured in weeks. Brief, page 9. Appellants argue that such relative duration periods are also provided for in the prior art (Greene) and that what was known in the prior art need not be repeated in the specification. Brief, page 9. Again, we agree with appellants that the scope of claims 8 and 10 would be reasonably ascertainable by those skilled in the art when read in view of the disclosure.

The rejection of the claims for indefiniteness under 35 U.S.C. § 112, second paragraph, is reversed.